

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN JOSE ROMO,

Defendant.

MJ 23-13-M-KLD

ORDER

On February 22, 2023, Defendant Justin Jose Romo appeared before the Court for his initial appearance on the Criminal Complaint filed against him. The Court advised Defendant of his rights with respect to the charges set forth in the Complaint. Defendant waived his right to a preliminary hearing, and the United States requested that Defendant be detained pending trial. Defendant reserved his right to request a detention hearing at a later date.

The Court has authority to detain a criminal defendant pending a trial if the Court “finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community[.]” 18 U.S.C. § 3142(e). The Criminal Complaint filed in this case charges Defendant with possession with the intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1), and conspiracy to possess with the intent to

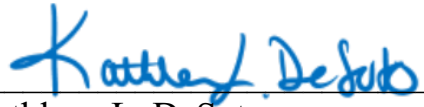
distribute methamphetamine in violation of 21 U.S.C. § 846. These charges invoke the rebuttable presumption contained in 18 U.S.C. § 3142(e) that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community, and that the Defendant should be detained. The presumption of detention shifts the burden of production to the defendant, but the ultimate burden of persuasion remains with the government. See *United States v. Hir*, 517 F.3d 1081, 1086 (9<sup>th</sup> Cir. 2008).

Because Defendant has not yet exercised his right to a detention hearing, he has not met his burden of producing evidence to rebut the presumption that he should be detained. Therefore, pursuant to the statutory presumption under 18 U.S.C. § 3142(e) the Court will order Defendant detained pending trial, subject to his right to request a detention hearing.

Therefore, pursuant to 18 U.S.C. § 3142(e) and (f), **IT IS HEREBY ORDERED** the Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the

corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 22<sup>nd</sup> day of February, 2023.

  
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Kathleen L. DeSoto  
United States Magistrate Judge